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Serial Number: 09/654,025   Dkt: PA0463.ap.US
Filing Date: September 1, 2000
Title: VIDEO GAMING SYSTEM WITH WILD CARD SYSTEM AND BONUS SYSTEM

RESPONSE AND COMMENTS ON THE REJECTIONS

The Rejection of Claims 1-11 Under 35 U.S.C. 112, Second Paragraph

The lack of antecedent basis has been corrected by amending claim 1 in the same manner that other claims already in the application presently recite "a single game event" without objection under 35 U.S.C. 112. As the amended limitation is already of record in other claims and as the amendment does not require additional search or consideration, the Amendment should be entered without objection.

The Rejection OF Claims 1-21 Under 35 U.S.C. 103(a) as Unpatentable Over Bennett 6,251,013 In View of Schultz

The rejection of claims 1-21 asserts that:

1)   Bennett shows randomly selecting a number of viewable symbols as a wild symbol position after a predetermined triggering event (column 1, lines 55-67 and column 2, lines 33-38).

2)   Converting each selected symbol position to wild symbol positions Figs. 4 and 5; column 2, lines 54-67).

3)   It is asserted that Bennett is silent with respect to the recitation of a) selection between zero and fewer than the maximum number of symbol position, and b) determining the outcome of the game based on game symbols and wild symbols "within the same game event."

4)   It is asserted that Schultz teaches all of the limitations a) and b) that are absent from Bennett, citing the disclosure of Schultz at column 3, lines 62-67 and column 7, lines 28-36 (and later citing column 7, lines 19-36).

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5)   It is asserted to be obvious to combine the features of Schultz into the game play of Bennett and therefore render the claimed subject matter obvious.

The first failure in the rejection is the fact that Schultz does not effectively teach the limitations for which it is cited, at least in a context that is translatable to the format of Bennett.

Schultz does not display a first set of symbols and then randomly select wild cards. In a completely distinct mode of practice, Schultz selects a single wild card position in a set of five frames (a poker hand), the card in that position and every like card becomes wild. There is no subsequent **random** assignment of wild card positions, as the wild card positions are determined by the previous presence of the like card(s). Even though Schultz does show a wild card game, the format is incompatible with the method of play of Bennett.

Schultz also describes a card game in which the position of cards is not significant. There are five positions (in a five-card game), and the order of cards is not instrumental in play of the game. All claims in this application recite a reel-type slot machine, which is position dependent and multi-line dependent. In other words, certain symbols must appear in a certain order on a defined pay line in order to achieve a winning event. A method of play unique to poker video games where positions are not significant to play of the game does not lend itself to one of ordinary skill in the art for use in multi-line reel-type slot games where symbol position is critical to payouts.

Claim 1 recites, among other limitations:

"...upon the occurrence of a predetermined triggering event, randomly selecting between zero and fewer than a maximum number of viewable symbol positions as a wild symbol position;"

As noted, Schultz does not randomly select wild symbols after a triggering event. There is no triggering event in Schultz. The play of that primary game is the selection of a position as a wild symbol defining position. After the wild symbol has been determined by the provision of a symbol to that position, any other wild symbols are determined by the appearance of a matching card for the wild card. T This is incompatible with both the claimed invention and with Bennett. Schultz cannot be combined with Bennett in any sense reasonably motivated by the reference to alter the play of Bennett so as to render the invention of Applicant obvious.

> determining game outcomes based on the displayed game symbols
> and wild symbols in a single game event."

The claim requires the capability of determined "game outcomes" (plural) which is essential in the play of reel-type slot video games. Schultz teaches only the conventional poker play resolution of determining if a hand of sufficient rank has been obtained to award a prize. This is both determination of a single outcome (not plural outcomes) that is position independent s opposed to position critical.

There is a significant difference between the play recited in the claims and the process described by Bennett 013. The claims recite that:

> "…upon the occurrence of a predetermined triggering event,
> randomly **selecting between zero and fewer than a maximum number** of
> viewable symbol positions as a wild symbol position;"

The 013 patent is distinguished from all claims, except that the argument of a 'single event' does not apply to claim 12, which claim is separately distinguished. There are numerous different methods and alternatives described in the 013 Patent, and each must be distinguished. The present claims will be compared to the individual examples (referred to by the Example and Number) given for alternatives in the 013 Patent. In example 1, a certain single symbol is

designated as wild. The claims designate symbol **positions,** not symbols, within the display as a wild position, which can include any or all types of game symbols. When two or more wild positions of the present invention are selected, the symbols in the selected wild positions may be different symbols in the selected positions. At no time is a specific symbol selected to be wild. That limitation is already in the claim ..."randomly selecting...viewable symbol positions".

In example 2, a single symbol is selected and is given a "scatter" function, rather than a wild function. In this instance, it is again a single symbol, rather than one or more symbol positions, that is designated.

In example 3, two different symbols are selected and the positions are swapped prior to scoring. No symbols positions are designated as wild. Once again, two symbol types are selected, symbols are swapped, and there are no symbol positions that are selected and designated as wild.

In a 4th example, a wheel with special symbols appears on the screen, and all symbols are designated "special". Although the manner of scoring in this example is not clear, the random number generator is selecting a symbol, rather than a symbol position. It is clearly a general symbol that is selected, not at least one specific symbol position on the reel or screen.

In the 5th example, a row or column is randomly chosen, and all symbols appearing in that row or column are designated wild IN ANOTHER GAME. A win in the designated row or column enhances the payout in the next game. The present claims have been amended to recite that the selection of symbol positions enables game outcome determination in the same game event, while this embodiment of Bennett requires that wild symbols be used in subsequent game play.

In contrast, the present claims randomly select symbol positions to designate as wild IN THE SAME GAME. The claims have been amended to recite the language "in a single game event" to clarify this position.

With regard to claim 12, a separate argument can be made. In the 013 reference, the selected line or column in the next game doesn't really act as a wild symbol. In scoring the game of example 5 (of Bennett 013), the player uses the normal game symbols. If a normal symbol combination appears anywhere in the designated line or row, the player gets an enhanced payout. The method of play does not increase the probability of getting more combinations, it just increases the possible payout. The claim, as revised, distinguishes over this art in the step of "determining game outcomes based on the predetermined combinations of displayed game symbols and wild symbols."

The addition of Schultz does not correct any of these differences. Schultz also selects a single specific symbol and designates all equivalent symbols (of equal rank, for example—all 10's, all 3's, or all Jacks) as wild in the play of that hand. Even if the play of the game of Schultz were combined with each of the disclosed games of Bennett 013, the game play recited in the present claims would not be taught.

At best, Schultz allows a single symbol position to be selected (which may be a random selection by the machine, see column 3, lines 62-68), then discloses the specific symbol that is present on that position, and then converts all equivalent symbols (not positions) to become wild symbols. Additionally, the selection of the one and only symbol position is the standard play of each round of play in the Schultz game, and is not part of a triggered bonus event. The machine always selects only a single position as a wild position, and the potential for additional wild cards is not position based, but is symbol based.

Additionally, as the claim recites that the selection of the number of positions that are to be selected (e.g., from zero to less then all positions), the specific selection of one position in all cases is different from the broadest interpretation of the practice of Schultz.

The rejections also fail to disclose specific limitations of the dependent claims. For example, claim 11 recites that scatter pay symbols cannot be selected as wild symbols. That teaching is not present in the Bennett references.

Claim 9 recites a specific relationship between wild symbols in the underlying play of the game (which is not described by either Bennett reference) and the converted wild symbol. This feature is not taught by the references used in the rejection.

CONCLUSION

The above amendments and discussion have completely responded to each and every issue in the Office Action. It is respectfully submitted that all claims are in condition for allowance.
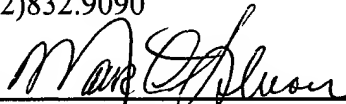
The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

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Date March 26, 2003   By _____
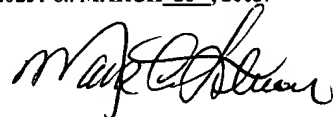   Mark A. Litman
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, BOX AF, Washington, D.C. 20231 on MARCH 28 , 2003.

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CLEAN COPIES OF CLAIMS IN COMPLIANCE WITH 37 C.F.R. 1.121

1. A method of playing a video wagering game, comprising:

a player placing a wager on a reel-slot-type video game event having a plurality of symbol positions; displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position;

upon the occurrence of a predetermined triggering event, randomly selecting between zero and fewer than a maximum number of viewable symbol positions as a wild symbol position;

converting each symbol displayed within each selected wild symbol position to a wild symbol; and

determining game outcomes based on the displayed game symbols and wild symbols in a single game event.

2.   The method of claim 1, wherein the conversion of each symbol within each wild symbol position takes place one at a time.

3.   The method of claim 1, wherein between one and one less than all available symbol positions are selected as wild symbol positions.

4.   The method of claim 1, wherein each wild symbol is identical.

5.   The method of claim 1, wherein each wild symbol morphs into a game symbol prior, after to or during the step of determining game outcomes.

6.   The method of claim 1, wherein each wild symbol is wild as to all game symbols.

7.   The method of claim 1 further comprising the step of awarding a prize for winning outcomes.

8.   The method of claim 7, wherein the winning outcomes are awarded according to a look up table.

9.   The method of claim 1, wherein the triggering event is the appearance of two wild symbols, and wherein at least one wild symbol position is converted to a wild symbol with the same appearance as the wild symbols that triggered the bonus event.

10.   The method of claim 1, wherein the triggering symbol or combination of symbols comprises a symbol on both a first and fifth reel in a scatter arrangement.

11.   The method of claim 1, wherein symbol positions bearing game symbols that produce scatter pays are excluded from the random selection of wild symbol positions.

12.   A method of playing a video wagering game, comprising:
        a player placing a wager on a reel-slot-type video game;
        displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position;
        upon the occurrence of a predetermined triggering event, randomly selecting at least one, and fewer than all symbol positions as [a] wild symbol positions;
        converting each symbol displayed within each selected wild symbol position to a wild symbol;

retaining wild symbols in their respective positions and randomly

distributing at least some non-wild symbols into frames in the display to

perform a second gaming event; and

determining game outcomes based on predetermined combinations

of the displayed game symbols and wild symbols in the second gaming

event.

13.   An apparatus for playing a video wagering game comprising a

housing, a memory system, and a monitor, the memory system directing a process

comprising, not necessarily in sequence:

a) accepting a wager on a reel-slot-type video game;

b) displaying a plurality of randomly selected game symbols on a

display, each symbol appearing in a designated symbol position;

c) upon the occurrence of a predetermined triggering event,

randomly selecting at least one but fewer than all symbol positions as wild

symbol positions

d) converting each symbol displayed within each selected wild

symbol position to a wild symbol; and

e) determining game outcomes based on the displayed game

symbols and wild symbols within a single game event.

14.   The apparatus of claim 13 wherein after step b) and before step d), a

game using the randomly selected game symbols on a display is resolved.

15.   A method of playing a video wagering game with a bonus feature,

comprising:

a player placing a wager on a reel-slot-type video game having a

plurality of symbol positions;

displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position;

addressing any winning events by a procedure selected from the group consisting of a) resolving any winning events, b) carrying any winning events forward for later resolving, and c) carrying any winning events forward for modification of the winning event by a bonus play; upon the occurrence of a predetermined triggering event for a bonus event, randomly selecting at least one and fewer than all of said plurality of symbol positions as a wild symbol position;

converting each symbol displayed within each selected wild symbol position to a wild symbol; and

determining a bonus outcome based on the displayed game symbols and wild symbols within the gaming event.

16.   The method of claim 15 wherein any winning event from displaying a plurality of randomly selected game symbols on a display are resolved before determining a bonus outcome based on the displayed game symbols and wild symbols.

17.   The method of claim 15 wherein any winning event from displaying a plurality of randomly selected game symbols on a display are resolved after determining a bonus outcome based on the displayed game symbols and wild symbols.

18.   The method of claim 15 wherein any winning event from displaying a plurality of randomly selected game symbols on a display are resolved at about the same time as determining a bonus outcome based on the displayed game symbols and wild symbols.

19.   The method of claim 1, wherein the maximum number of viewable positions is 15.

20.   The method of claim 1, wherein an appearance of the wild symbol changes to another game symbol at or before game outcomes are determined.

21.   The method of claim 1, wherein the wild symbols are wild as to fewer than all of the game symbols.